



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

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GOVERNOR

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**North Carolina Board of Transportation
Environmental Planning and Policy Committee
Meeting Minutes for January 9, 2008**

A meeting of the Environmental Planning and Policy Committee (EPPC) was held January 9, 2008 at 8:30 AM in the Board Room (Room 150) of the Transportation Building. Board Member Nina Szlosberg chaired the meeting. Other Board of Transportation members that attended were:

Conrad Burrell
Alan Thornburg
Douglas Galyon

Arnold Lakey
Bob Collier
Andrew Perkins

Marion Cowell

Other attendees included:

Glenn Dennison
C.A. Gardner
Jennifer Garifo
Ricky Greene
Phil Harris
Norman Holden
Julie Hunkins

Tim Johnson
Daniel Keel
Matt Lauffer
Don Lee
Robin Maycock
Andy McDaniel
Mike Mills

Bill Rosser
Joel Setzer
Amy Simes
Jay Swain
Greg Thorpe

Chairperson Nina Szlosberg called the meeting to order at approximately 8:30 AM. She opened by accepting a motion to approve the meeting minutes from the October 31, 2007 committee meeting. The minutes were approved as presented.

Ms. Szlosberg began by reviewing the agenda and introducing the first presenter, Dr. Greg Thorpe, Manager, Project Development and Environmental Analysis Branch, NC Department of Transportation (NCDOT).

Dr. Thorpe recalled that at the November meeting there was discussion about NCDOT staff having another meeting with Division of Water Quality (DWQ) staff to further discuss the Jordan Lake Nutrient Strategy Rules but that meeting has not taken place. Neither NCDOT nor DWQ staff has been able to schedule a meeting. He speculated that DWQ staff has been very busy with the Environmental Management Commission (EMC) hearing officers working on putting the report of proceedings together and making decisions about all the different issues of the various stakeholder groups, including NCDOT.

Dr. Thorpe understands that the rules are not going to be taken to the EMC this month and DWQ staff indicated that it will probably be at least March and possibly May of this year before the rules go before the full EMC. It appears that there are not going to be any further discussions by DWQ with NCDOT or other stakeholders on the content of the rules. The next time NCDOT will see a version of the rules will be when they go to the EMC. Dr. Thorpe stated that he will keep the EPPC committee posted on whether the rules go to the EMC in March or May. Also, it is unlikely the rules will go before the General Assembly in this coming short session. Therefore, if the rules go public in March or May, there is still more time needed to work on them before they get to the General Assembly.

Ms. Szlosberg asked Dr. Thorpe how he would characterize the status of negotiations between NCDOT and DWQ: if DWQ is moving forward on blending NCDOT's comments and other stakeholders comments into rules that the commission will review.

Dr. Thorpe explained that it is difficult to tell. There have been some very positive changes made by DWQ in response to our concerns. DWQ had changed rules regarding new and widening projects, making them separate from maintenance and industrial facilities and rest areas, acknowledging differences of linear projects. They've made changes to some of the buffer requirements that we believe are positive. They have also made changes to the Randleman rules that were not very positive and we don't know if those same changes were made to the Jordan rules. These changes were made to the buffer table that states how different aspects of the buffer will be implemented. There were provisions taken out of the Randleman table that will make it very difficult for us in the Randleman drainage area.

Ms. Szlosberg asked Dr. Thorpe if the changes in the buffer requirements impacted hard drainage facilities or natural/created ones. Dr. Thorpe replied that it means we have to put in structured storm water controls and cannot place them for any type of conveyance through the buffer.

Dr. Thorpe mentioned that during the NCDOT last meetings with DWQ in October/November, they appeared to have reached an agreement that NCDOT would be able to take a more programmatic approach with the Jordan Lake rules. This being that we could implement it through our existing NPDES Stormwater Permit. But, when we got the last version of the written rules, the rules did not reflect those kinds of agreements and fell back on the numeric criteria that we have had difficulty with all along. At this point, we don't know what kinds of decisions the hearing officers are making. We are going to have to wait and see what goes to the EMC to see where we stand.

Andy McDaniel commented that it doesn't seem that DWQ wants to spend a lot of effort at this point to continue negotiations. They appear to be focused on getting the report done for the March or May EMC meeting.

Ms. Szlosberg asked Dr. Thorpe if he thought that the drought might have changed the conversation a little.

Dr. Thorpe answered that that could be a possibility.

Mr. Perkins commented that the larger question would be is there any veto power other than the comments going before the EMC after all these negotiations to be able to work these differences out. And, is NCDOT keeping copious notes so we can show where we have talked about this and had some reasonable agreement early in the process?

Dr. Thorpe replied that we do have records of those meetings. He added that the rules will have to go before the Rules Review Committee before they become final after they are adopted by the EMC. This will be the next opportunity for stakeholders and public to provide written comments and express concerns to the Rules Review Committee. The Rules Review Committee can send the rules back to the EMC for further work or send them to the General Assembly for a final decision.

Ms. Szlosberg asked if there were further questions. Being none, she introduced the second topic on the agenda, the State Minimum Criteria, and inquired about the planned web site.

Mr. Daniel Keel, Operations Program Manager, NCDOT, replied that this year they will begin reporting into a web site. Training starts next week in the Divisions.

Mr. Keel continued by explaining the handouts that provided data for the last two quarters, as well as a 5-year summary. He stated that this was a typical year and averages for 2005 through 2007 are all typical while 2004 was almost double the number of projects because of the North Carolina Moving Ahead program. He summarized the three criteria that are reported.

- Criteria #8 – Highway modernization for less than 10 cumulative acres per project dealing with resurfacing, turning lanes, parking, substandard curbs and intersections, adding shoulders and minor widening
- Criteria #12 – Maintenance type items, grading and stabilizing unpaved roads, maintaining unpaved shoulders, cleaning ditches, patching, maintaining bridges, snow and ice removal, and erosion and vegetation control
- Criteria #15 – Construction of new 2-lane highways less than 25 cumulative acres on new location

Mr. Keel highlighted that for the third quarter we had 126 projects, 60 percent maintenance and 40 percent modernization, a total of project length of 85 miles and a total of 78 newly disturbed acres. For the fourth quarter we had 44 projects, 52 percent maintenance and 48 percent modernization, a total of project length of 67 miles and 47 acres of newly disturbed area. Wetlands and streams are shown in the yearly summary and are less than one percent across the board.

Ms. Szlosberg stated that the Divisions will be putting minimum criteria data into the web site.

Mr. Keel commented that the Division Environmental Officers would begin entering data as soon as they have been trained how to use the application.

Ms. Szlosberg commented that she is proud of what we are doing to be transparent and give the public information to build trust in the community.

Ms. Szlosberg asked for agenda items for the year on subjects the committee should be looking at. Discussions produced this list of potential topics:

- Climate change and impact on transportation
- 21st Century Transportation Commission looking at environmental issues
- Use of solar lighting and solar energy on transportation projects; this is part of a larger statewide initiative to reduce our carbon footprint
- Energy efficient lighting, including LED lighting
- E-85 blends and making it more available
- Use of biodiesel

Ms. Szlosberg asked the committee to send an e-mail or call her or Julie Hunkins with any more ideas for potential topics.

Ms. Szlosberg announced that there is an Emerging Issues Forum February 11 and 12 about our energy future in North Carolina. There is a significant portion about transportation and energy. Thomas Freidman will be presenting and she encouraged the committee to participate.

Seeing no further questions or comments, Ms. Szlosberg adjourned the meeting at 8:55 AM.

The next meeting for the Environmental Planning and Policy Committee is scheduled for Wednesday, February 6, 2008 at 8:30 AM in the Board of Transportation Room (Room 150) of the Transportation Building.

NS/gd